IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

FRIDAY, THE 25TH MAY 2007 / 4TH JYAISHTA 1929

WP(C).No. 4458 of 2007(E)

PETITIONER:

P. HARIF HAJEE, S/O.K.M.ABDUL RAHMAN,
AGED 33 YEARS, MANAGER, C.H. MEMORIAL HIGHER SECONDARY SCHOOL, ELAYAVOOR, P.O. VARAM-670 594, KANNUR DISTRICT.

BY ADV. SRI.V.A.MUHAMMED
SRI.K.E.HAMZA

RESPONDENTS:

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1. THE STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
GENERAL EDUCATION DEPARTMENT, SECRETARIAT,
TRIVANDRUM.

2. THE DEPUTY DIRECTOR OF EDUCATION,
KANNUR DISTRICT.

3. SRI.T.P. ABUBACKER,
HIGH SCHOOL ASSISTANT (NATURAL SCIENCE),
GOVERNMENT HIGH SCHOOL, KARTHIKAPURAM,
(VIA) TALIPARAMBA.

BY GOVERNMENT PLEADER SRI.LAKSHMI RANI
SRI.K.A.MANZOOR ALI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 25/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

Ext.P1: True copy of the G.O.(Rt)No.3856/05 G.Edn. of the Government.

Ext.P2: True copy of the G.O.(Rt)No.3013/2001/G.Edn.of the Government.

Ext.P3: True copy of the G.O.(Rt)No.4232/04/G.Edn.of the Government.

Ext.P4: True copy of the request of the manager.

Ext.P5: True copy of the representation filed by the 3rd respondent.

Ext.P6: True copy of the resolution of the parent teachers association of the school.

Ext.P7: True copy of the judgment of this Hon'ble court in W.P.(C)No.28963/06-W.

Ext.P8: True copy o the G.O.(Rt)No.535/07/G.Edn. of the Government.

// True copy //

P.A. to Judge

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A.K.BASHEER, J.

W.P.(C)No.4458 OF 2007

Dated this the 25th day of May, 2007

JUDGMENT

Petitioner is stated to be the Manager of an aided Higher Secondary School which is admittedly a minority institution as revealed from Ext.P1. Respondent No.3 had been working as Headmaster in the school on deputation as permitted by the Government since 2001 in terms of Exts.P2 and P3. The period of deputation as extended by the Government had expired on September 2, 2006. Before the expiry, the management had requested the Government for a further extension of the deputation for two years. The said request has been turned down by the Government by Ext.P8 order which is impugned in this writ petition.

2. Learned counsel has taken me through the impugned order. As rightly pointed out by the learned counsel, the impugned order has been passed by the Government without any application of mind. It is totally non-speaking and laconic. I do not find any reason why the Government should have taken such a negative approach especially, since the interest of no other

individual or institution is likely to be affected, if the 3rd respondent is allowed to work as Headmaster on a deputation basis. The Government does not have a case that respondent No.3 is not willing to continue on deputation.

3. In the above facts and circumstances of the case, Ext.P8 order cannot be sustained and it is liable to be quashed. I do so. The Government shall pass fresh orders in the matter in the light of the observations made above. It shall be done as expeditiously as possible, at any rate, within one month from the date of receipt of a copy of this judgment. Needless to mention that petitioner and respondent no.3 shall be afforded sufficient opportunity to be heard before any decision is taken in the matter. Petitioner shall produce a certified copy of the judgment along with a copy of the writ petition before respondent no.1 for compliance.

Writ petition is disposed of as above.

A.K.BASHEER, JUDGE

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